

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL DRS45297-LU-74B

Short Title: Opt-Out of Ban on FNS/TANF Benefits. (Public)

Sponsors: Senators Burgin, Mayfield, and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE STATE TO FULLY OPT-OUT OF THE PROHIBITION ON  
3 FOOD AND NUTRITION SERVICES AND TEMPORARY ASSISTANCE FOR NEEDY  
4 FAMILIES (TANF) BENEFITS FOR INDIVIDUALS CONVICTED OF FELONIES TO  
5 BETTER ENABLE THOSE INDIVIDUALS TO LIVE SUCCESSFUL, PRODUCTIVE  
6 LIVES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 108A-25.2 reads as rewritten:

9 "**§ 108A-25.2. Exemption from limitations for individuals convicted of certain drug-related**  
10 **drug related felonies.**

11 ~~Individuals convicted of Class H or I controlled substance felony offenses in this State shall~~  
12 ~~be~~ An individual who is otherwise eligible to participate in the Work First Program and or the  
13 food and nutrition services program; program shall be exempt from the application of section  
14 115(a) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996,  
15 P.L. 104-193, and shall not be denied assistance from either program solely because the  
16 individual has been convicted of a drug-related felony or felonies upon meeting one of the  
17 following conditions:

- 18 (1) ~~Six months after release from custody if no additional controlled substance~~  
19 ~~felony offense is committed during that period and~~ If in custody, immediately  
20 upon release if the individual can demonstrate successful completion of a  
21 substance abuse treatment program while in custody or continuous active  
22 participation in a required substance abuse treatment program determined  
23 appropriate by the area mental health authority; or authority.  
24 (2) If not committed to custody, ~~six months immediately~~ after the date of  
25 conviction if ~~no additional controlled substance felony offense is committed~~  
26 ~~during that period and~~ the individual can demonstrate successful completion  
27 of or continuous active participation in a required substance abuse treatment  
28 program determined appropriate by the area mental health authority.

29 A county department of social services shall require individuals who are eligible for Work  
30 First Program assistance and electronic food and nutrition benefits pursuant to this section to  
31 undergo substance abuse treatment as a condition for receiving Work First Program or electronic  
32 food and nutrition benefits, if funds and programs are available and to the extent allowed by  
33 federal law."

34 SECTION 2. This act becomes effective January 1, 2024.



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